



**UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION IV
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ARLINGTON, TEXAS 76011-8064**

February 27, 2004

Mr. Mike Broderick
Environmental Program Manager
Radiation Management Section
Department of Environmental Quality
P.O. Box 1677
Oklahoma City, OK 73101-1677

Dear Mr. Broderick :

A periodic meeting with Oklahoma was held on February 10, 2004. The purpose of this meeting was to review and discuss the status of Oklahoma's Agreement State Program. I have completed and enclosed a general meeting summary, including any specific actions that will be taken as a result of the meeting.

If you feel that our conclusions do not accurately summarize the meeting discussion, or have any additional remarks about the meeting in general, please contact me at (817) 860-8116 or e-mail mlm1@nrc.gov to discuss your concerns.

Sincerely,

/RA/

Linda McLean
Regional State Agreements Officer
Region IV

Enclosure:
Agreement State Periodic Meeting
Summary for Oklahoma

cc w/enclosure:
Paul Lohaus, Director,
Office of State and Tribal Programs

AGREEMENT STATE PERIODIC MEETING SUMMARY FOR Oklahoma
DATE OF MEETING: February 10, 2004

ATTENDEES:

State of Oklahoma

Mike Broderick, Environmental Program Manager
Pamela Bishop, Environmental Program Specialist IV

NRC

Elmo Collins, Director, Division of Nuclear Materials Safety, Region IV
Linda McLean, Regional State Agreements Officer, Region IV
Richard Blanton, Agreement State Project Officer, Office of State and Tribal Programs

DISCUSSION:

The Oklahoma Agreement State program is administered by the Radiation Management Section (the Section), Land Protection Division, in the Oklahoma Department of Environmental Quality (DEQ). The Section regulates approximately 244 specific licenses authorizing Agreement materials. Oklahoma's first IMPEP Review was conducted the week of July 15, 2002

The following is a summary of the meeting held in Oklahoma City, Oklahoma, on February 10, 2004, between representatives of the NRC and the State of Oklahoma. During the meeting, the topics suggested in a letter dated January 21, 2004, from Mrs. McLean to Mr. Broderick were discussed. The discussion pertaining to each topic is summarized below.

Current Status on IMPEP Review Findings

1. The review team recommended that the Section take appropriate measures to conduct core inspections, including initial inspections in accordance with the NRC's inspection priority system.

Current Status: The Section provided updated information regarding the number of inspections completed and overdue since the IMPEP Review (attached). The Section appears to be making progress in completing timely inspections.

It is recommended that this item be closed at the next IMPEP review.

2. The review team recommended that the Section take appropriate measures to assure timely dispatch of inspection findings to licensees.

Current Status: The Section is trying to assure timely dispatch of inspection findings to licensees. Although there has been some improvement, they acknowledge that there is still a need to improve in this area.

It is recommended that this item remain open.

3. The review team recommended that all inspections be fully documented, and that license files be complete and accurate.

Current Status: Since the review, staff stated that all inspections have been fully documented, and the license files are complete and accurate.

It is recommended that this item be closed at the next IMPEP review.

4. The review team recommended that the Section conduct annual accompaniments of both new and experienced inspectors to ensure continued technical quality of inspections and to assist in the training and qualifications of new staff.

Current Status: The program manager has been successful in conducting annual accompaniments of inspectors with one exception. A valid reason for the exception was discussed.

It is recommended that this item be closed at the next IMPEP review.

5. The review team recommended that all license terminations be terminated by a license amendment.

Current Status: The staff confirmed that all license terminations are terminated by a license amendment.

It is recommended that this item be closed at the next IMPEP review.

Strengths and Weaknesses of the Program

Strengths

The Section has capable and competent staff despite some turn-over. The program manager and the supervisor each have greater than 10 years experience at DEQ. The new hires have good credentials (e.g., one has a masters degree in chemical engineering). Currently, the Section is fully staffed, is able to fill vacancies, and is able to fund staff training, including the 5-week course. Another strength is that the Section can and does respond to events/incidents quickly.

The Program is 100% fee funded. A 25% fee increase has been proposed and will be presented to the Radiation Advisory Council on February 25. No opposition is expected. Another strength is that the Council members have good credentials and experience.

Weaknesses

The backlog of license actions is improving, but there is still a significant backlog.

Another stated weakness is the State's salary structure. The concern is in the Section's ability to retain qualified staff. The program manager is concerned that it will continue to be an issue until the pay structure can be improved. Although the State Legislature agreed to pay-for-performance increases to help with this problem, in 2003 there were no bonuses awarded.

State Feedback on NRC's Program/NRC Program or Policy Changes That Could Impact Agreement States

The following topics were discussed:

- Security inspections and the 274(i) Agreement: The program manager confirmed that Oklahoma is potentially interested in signing a 274(i) agreement and performing the security inspections, but the Section wants to observe how these work in other states before committing Oklahoma to it. In addition, the program manager expressed concern that NRC may use security issues as a justification to impose a "national security fee" on agreement state licenses. He indicated that the State would oppose such a move.
- Manual Chapter 2800 changes: The change in the inspection frequencies were discussed and how they may affect the State's inspection program.
- Transportation regulations: The Section requested that the NRC consider providing workshops on the new transportation regulations.

Recent or Pending State Program Changes

Changes in Program Staff: There were two technical staff hires since the IMPEP Review which replaced the two staff vacancies. In addition, one staff member was promoted to Environmental Program Specialist IV, giving her increased authority to do technical supervision.

Program reorganizations: No reorganizations are planned.

Legislative changes: A 25% fee increase has been proposed and will be presented to the Radiation Advisory Council on February 25. No opposition is expected.

Changes in program budget/funding: The Section is financially sound. No changes are anticipated.

Results of any internal program audits/self-assessments conducted by the State or NRC.

In preparation of this meeting the Section reviewed the status of the program, and provided the NRC with statistics on the program activities (attached).

Status of Allegations Referred by NRC to the State

No allegations have been referred by NRC to the Section during this review period.

Compatibility of Oklahoma Rules and Regulations

Oklahoma adopts regulations for AEA materials by reference. Adopting regulations by reference allows the State to implement regulations quickly and avoid potential compatibility conflicts. Also, it reduces confusion for reciprocity licensees and multi-State licensees.

Nuclear Material Events Database (NMED)

No problems were noted with the NMED database program.

Schedule for the next IMPEP Review The next IMPEP Review will be in FY 2006.

Note: The program manager stated that the periodic meetings between the IMPEP Reviews are beneficial and effective tools. He is not in favor on reducing the number of periodic meetings.

cc: (via ADAMS e-mail distribution):
 ECollins
 CCain
 VCampbell
 LRakovan, STP
 AMcCraw, STP
 RBlanton, STP
 MIS System

ADAMS: Yes No Initials: _mlm_____

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